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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

10 BRANDON J. PEAKE,

Case No. 2:22-CV-7153-RGK (MAR)

11 Petitioner,

12 v.

ORDER ACCEPTING FINDINGS  
AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE  
JUDGE

13 BRIAN BIRKHOLTZ,

14 Respondent.

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the records  
18 on file, and the Report and Recommendation of the United States Magistrate Judge.  
19 No objections have been filed. The Court accepts the findings and recommendation  
20 of the Magistrate Judge.

21 **IT IS THEREFORE ORDERED** that Judgment be entered (1)  
22 **GRANTING** the Motion to Dismiss; (2) **DENYING** the Petition for a Writ of  
23 Habeas Corpus; (3) **DISMISSING** Claim One WITHOUT prejudice; and (4)  
24 **DISMISSING** Claim Two WITH prejudice.

25  
26 Dated: May 11, 2023

  
27 HONORABLE R. GARY KLAUSNER  
28 United States District Judge